

REMARKS

In response to the office action mailed October 31, 2007, Applicants amended claims 1 and 29, canceled claims 2 and 5, and added claims 30-38. Claims 1, 4, and 6-38 are presented for examination.

Applicants thank the Examiner for acknowledging that claims 3, 10-12, 17, 21, and 24-27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note that new claim 32 and the claims depending therefrom (i.e., claims 33-38) include the subject matter of claim 3, which the Examiner indicated to be allowable. Accordingly, Applicants submit that new claims 32-38 are allowable over the cited references, which action is requested.

The Examiner rejected claims 1, 2, 4-8, 13-16, 18-20, 28, and 29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,349,341 ("Katsumi"). But Katsumi fails to disclose or suggest an elastic bar securing a base to a housing body and lying on the inner side of a membrane, as required by Applicants' claims 1, 4, 6-8, 13-16, 18-20, 28, and 29. As noted above, claims 2 and 5 were cancelled.

Referring to Katsumi's Figs. 6, 7, and 9, which are reproduced below, Katsumi discloses an electric shaver that includes a push button 20 provided in a case 1. See, e.g., Katsumi, col. 3, lines 24-27. The push button 20 is securable to the case 1 in a watertight configuration. See, e.g., id., col. 4, lines 45-48. The push button is located within a window 1B of the case 1, and a periphery ridge 24 surrounds the window 1B. See, e.g., id., col. 4, lines 54-58. The electric shaver also includes a gasket 21 having a circular groove 21A in which the periphery ridge 24 of the case is disposed. See, e.g., id., col. 4, lines 61-62. The push button 20 includes a projection 20A, which extends through an insertion cavity 21c of the gasket 21. See, e.g., id., col. 4, lines 49-51. An inner ring 22 and cosmetic plate 25 are formed of a single piece that fits over the gasket 21 in the periphery edge region of case 1. See, e.g., id., col. 5, lines 20-57. A cover 23 is fixed to the case 1 using connection hooks 23B that are snapped into catches 1D in the case 1 to press the inner ring 22 and the gasket 21 against the periphery ridge 24 of the case 1 to provide a watertight structure. See, e.g., id., col. 5, lines 58-67; col. 4, lines 58-60; col. 5, lines 13-24. The push button 20 extends through an opening 23A of the cover. See, e.g., id., col. 6, lines 9-11.

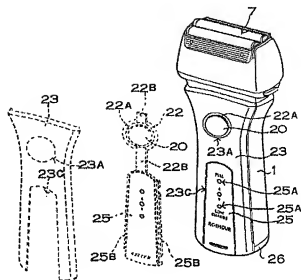


FIG. 6

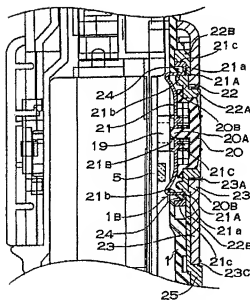


FIG. 7

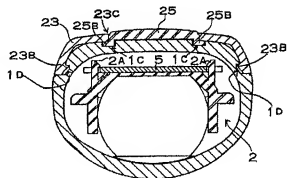


FIG. 9

The Examiner contended that Katsumi's gasket 21, inner ring 22, and cosmetic plate 25 could be considered a soft plastic membrane. Office Action, p. 2. The Examiner further contended that flange 25B of Katsumi's cosmetic plate 25 could be considered an elastic bar that lies on an inner side of the soft plastic membrane. Office Action p. 3. However, as discussed

above, the Examiner previously considered Katsumi's cosmetic plate 25 to be the claimed soft plastic membrane. Thus, flange 25B, which is illustrated as an integral part of his cosmetic plate 25, cannot properly be considered an elastic bar that lies on an inner side of the soft plastic membrane. Moreover, contrary to the Examiner's contention, Katsumi's flanges 25B extend along the sides of cosmetic plate 25 to allow interlocking with vertical grooves 1C in case 1. See, e.g., Katsumi, col. 5, lines 47-51; Figs. 6, 9. Flanges 25B cannot lie on the inside of cosmetic plate 25 and still perform their intended function of interlocking with grooves 1C in case 1. Thus, even if Katsumi's cosmetic plate 25 could properly be considered part of a soft plastic membrane, which Applicants do not concede, Katsumi neither discloses nor suggests an elastic bar lying on an inner side of a membrane. In addition, Katsumi's flange 25B does not secure a base to a housing body, as required by Applicants' claims 1, 4, 6-8, 13-16, 18-20, 28, and 29.

The Examiner contended that Katsumi's connection hook 23B (shown in Fig. 9 above) could be considered an elastic arm that secures a base to a housing body. Office Action p. 2. However, even if connection hook 23B could properly be considered an elastic arm that secures a base to a housing body, which Applicants do not concede, Katsumi's device still would not include an elastic bar lying on the inner side of a membrane, as required by Applicants' claims 1, 4, 6-8, 13-16, 18-20, 28, and 29. Rather, as shown in Fig. 9 above, Katsumi's connection hook lies on an outer side of the components that the Examiner alleged to be the claimed membrane (i.e., gasket 21, inner ring 22, and cosmetic plate 25).

In view of the foregoing discussion, Applicants request reconsideration and withdrawal of the rejection of Applicants' claims as being anticipated by Katsumi.

The Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Katsumi in view of U.S. Patent 6,779,216 ("Davies"). But Davies fails to cure the deficiencies discussed above with respect to Katsumi. Thus, for at least the reasons discussed above, Applicants requests reconsideration and withdrawal of this rejection.

The Examiner rejected claims 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Katsumi in view of U.S. Patent 6,064,019 ("Buchan"). But Buchan fails to cure the deficiencies discussed above with respect to Katsumi. Thus, for at least the reasons discussed above, Applicants request reconsideration and withdrawal of this rejection.

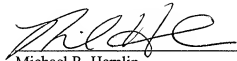
Applicant : Karl Herzog *et al.*
Serial No. : 10/540,320
Filed : June 21, 2005
Page : 10 of 10

Attorney's Docket No.: 02894-717US1 / 06732

The fees in the amount of \$570 for excess claims fees (\$450) and the Petition for Extension of Time fee (\$120) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 02894-717US1.

Respectfully submitted,

Date: February 27, 2008



Michael R. Hamlin
Reg. No. 54,149

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906